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#36042

VOLUNTARY AGREEMENT

This Agreement made the 15th day of October, 2002, by and between The Asylum Company, LLC t/a MCCXXIII ("Applicant") an Advisory Neighborhood Commission to be ("ANC 2B").

RECITALS

WHEREAS, Applicant is a holder of a retailer's license Class CR issued by the Alcoholic Beverage Control Board of the District of Columbia for premises known as 1223 Connecticut Avenue, NW;

WHEREAS, Applicant has applied to the Board for approval to add the third floor of the building as part of licensed premises;

WHEREAS, the Board has determined that the proposed change in the premises is a substantial change in accordance with the provisions of DC Code §25-404.

WHEREAS, ANC 2B has protested the approval the expansion of the premises in accordance with the provisions of DC Code §25-602.

WHEREAS, the parties desire to resolve the protest by voluntary agreement and to request the Alcoholic Beverage Control Board to approve of the expansion of the premises conditioned upon Applicant's compliance with the terms of this written agreement.

NOW, therefore, in consideration of the Recitals set forth above, and the mutual covenants in agreements hereinafter set forth, the parties agree as follows:

1. Recitals Incorporated. The Recitals set forth above are incorporated herein by reference.
2. Trash Pick-up. Applicants shall, either immediately after the close of business each night, or before opening for business each day, pick up trash and litter which might accumulate in the area in front of its premises, in front of the adjacent premises, and on the north side of the end street from Connecticut Avenue to 1776 N Street, NW, so as to keep these areas reasonably free of trash and debris.
3. Security Procedures. Applicant has implemented the security procedures set forth in Exhibit A, attached hereto. Applicant agrees to keep its staff informed of these security procedures and advise all new security personnel of these procedures. These security procedures shall be revisited by the Applicant, as needed, but at least every two (2) years.

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4. Telephone Contact. Applicant shall designate a representative to receive complaints concerning its business operations and provide a current telephone number to ANC 2B. Complaints or inquiries shall be responded to within twenty-four (24) hours. Applicant hereby designates David Karim (703) 627-3525 and Emanuel Mpras (703) 981-7216.

5. ANC Contact. A representative of Applicant will attend meetings of ANC 2B at least quarterly so as to be available to the Commission to discuss problems or concerns arising from the Applicant's business operations.

6. ABC Approved Capacity. The total capacity for the establishment, including the third floor, shall be limited to six hundred (600) patrons.

7. Valet Parking. Adequate valet parking for applicants patrons shall be provided. Vehicles shall be parked in a garage, and not on the street. Applicant shall arrange for adequate valet personnel, particularly at closing time, to minimize the number of persons congregating in front of the establishment waiting for vehicles.

9. Withdrawal of Protest. ANC 2B hereby withdraws its protest and joins with Applicant in requesting the Alcoholic Beverage Control Board to approve of the substantial change requested by Applicant, conditioned upon Applicant's compliance with the terms of this Agreement. Applicant and ANC 2B, pursuant to the provisions of 25 D.C.M.R. 1513.3, hereby requests that the Board incorporate the text of this Agreement in its order approving the substantial change.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

APPLICANT:

The Asylum Company, LLC

By: 

Advisory Neighborhood Commission 2B

By: 

Vince Micone, Chairperson

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

The Asylum Company, LLC
t/a MCCXXIII

Application for a Retailer's Class
CT (substantial change)
at premises
1223 Connecticut Avenue, N.W.
Washington, D.C.

Case no. 36042-02/092P
2002-266

Vince Micone, Chairperson, on behalf of Advisory Neighborhood Commission 2B,
Protestant

Dimitri P. Mallios, Esquire, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey Thompson, Member

**ORDER ON WITHDRAWN OPPOSITION
AND VOLUNTARY AGREEMENT**

The substantial change request to add a third floor to the licensed premises was protested and came before the Board on June 26, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Vince Micone, Chairperson on behalf of the Advisory Neighborhood Commission 2B, filed timely opposition.


The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated October 15, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

The Asylum Company, LLC
t/a MCCXXIII
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Accordingly, it is this 13th day of November 2002, **ORDERED** that:

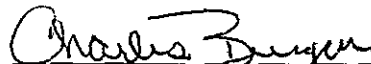
1. The opposition of Vince Micone, Chairperson, on behalf of the Advisory Neighborhood Commission 2B, is **WITHDRAWN**;
2. The substantial change request to expand the licensed premises to the third floor for The Asylum Company, LLC t/a MCCXXIII, holder a retailer's class CT license at 1223 Connecticut Avenue, N.W., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestant and the Attorney for the Applicant.

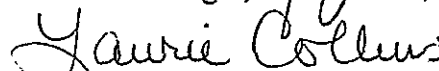
District of Columbia
Alcoholic Beverage Control Board

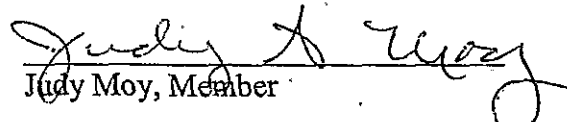

Roderic L. Woodson, Esquire, Chair

NOT VOTING

Vera Abbott, Member

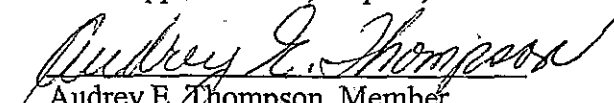

Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member

NOT VOTING

Ellen Oppenheimer, Esquire, Member


Audrey E. Thompson, Member